



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS
BOARD**

Region 1 Boston, Massachusetts
10 Causeway Street, 6th Floor
Boston, MA 02222-1072
(617) 565-6700

January 20, 2006

Ms. Pamela Baker
297 Route 121
Bellows Falls, VT 05101

Re: *Vermont Telephone*
Case 1-RD-2076

Dear Ms. Baker:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been investigated and considered.

Decision to Dismiss: Your petition seeks a decertification election in a bargaining unit limited to internet support technicians employed by the Employer at its 354 River Street, Springfield, Vermont location. The investigation disclosed, however, that on December 2, 2004, in Case 1-RC-21847, the internet support technicians voted to be represented by the Union as part of the existing bargaining unit, as described in the collective bargaining agreement between the Union and the Employer. The certification in that case issued on December 13, 2004.

As a general rule, the bargaining unit in a decertification election must be coextensive with the certified or recognized unit. *Campbell Soup Co.*, 111 NLRB 234 (1955). Where employees vote in a self-determination election to be included in an existing unit, they have joined that unit on certification. Thus, the current unit at the Employer encompasses both the employees sought in your petition and the employees represented by the Union as described in the contract. Accordingly, the petition to decertify only the internet support technicians must be dismissed as it is not coextensive with the current unit. *Beloit Corp.*, 310 NLRB 637 (1993).

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

Request Due Date: The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at February 3, 2006. However, if you mail the

request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission.

Extension of Time to File Request: If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, or by facsimile transmission. The fax number is (202) 273-4270. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

Request Contents: The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss the petition is incorrect.

Address for Request for Review: The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

/s/ Rosemary Pye

Rosemary Pye
Regional Director

cc:

General Counsel, Office of Appeals
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Mr. Justin Robinson
Vermont Telephone
354 River Street
Springfield, VT 05156

Mr. Peter B. Robb, Jr.
Downs Rachlin & Martin PLLC
Deacon John Holbrook House
P. O. Box 9
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Brattleboro, VT 05302

International Brotherhood of Electrical Workers, AFL-CIO
354 River Street
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Mr. Edwin D. Hill, International President
International Brotherhood of Electrical Workers, AFL-CIO
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